

Organization and Functions

Field Operating Agencies of The Judge Advocate General

**Headquarters
Department of the Army
Washington, DC
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Unclassified

SUMMARY of CHANGE

AR 10-72

Field Operating Agencies of The Judge Advocate General

This regulation has been completely revised. It replaces AR 10-72, U.S. Army Legal Services Agency. AR 10-73, The Judge Advocate General's School. And AR 10-74, United States Army Claims Service, all of which were previously published as separate regulations. This regulation--

- o Prescribes the organization and functions of the U.S. Army Legal Services Agency (chap 2).
- o Prescribes the organization and functions of The Judge Advocate General's School (chap 3).
- o Prescribes the organization and functions of The United States Army Claims Service (chap 4).

Effective 20 February 1989

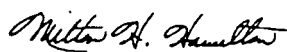
Organization and Functions

Field Operating Agencies of The Judge Advocate General

By Order of the Secretary of the Army:

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General, United States Army
Chief of Staff

Official:



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History. This UPDATE printing publishes a revision of this publication. Because the

publication has been extensively revised, the changed portions have not been highlighted.

Summary. This regulation covers the missions and functions of field operating agencies of The Judge Advocate General. They are U.S. Army Legal Services Agency, The Judge Advocate General's School, U.S. Army, and the U.S. Army Claims Service.

Applicability. This regulation applies to the Active Army, the Army National Guard (ARNG), and the U.S. Army Reserve (USAR).

Proponent and exception authority. Not applicable

Army management control process. This regulation is not subject to the requirements of AR 11-2. It does not contain internal control provisions.

Supplementation. Supplementation of this regulation and establishment of command

and local forms are prohibited without prior approval from HQDA (DAJA-ZX), WASH DC 20310-2204.

Interim changes. Interim changes to this regulation are not official unless they are authenticated by the Administrative Assistant to the Secretary of the Army. Users will destroy interim changes on their expiration dates unless sooner superseded or rescinded.

Suggested Improvements. The proponent agency of this regulation is the Office of The Judge Advocate General. Users are invited to send comments and suggested improvements on DA Form 2028 (Recommended Changes to Publications and Forms) directly to HQDA (DAJA-ZX), WASH DC 20310-2200.

Distribution. Active Army, USAR, and NGB, C.

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* This regulation supersedes AR 10-72, 15 August 1980; AR 10-73, 1 August 1982; and AR 10-74, 1 June 1981.

RESERVED

Chapter 1 Introduction

1-1. Purpose

This regulation assigns the missions and functions of the organizations listed below. It describes their relationships with other Army agencies, Government agencies, and foreign governments.

- a. United States Army Legal Services Agency (USALSA).
- b. The Judge Advocate General's School, U.S. Army (TJAGSA).
- c. U.S. Army Claims Service (USARCS).

1-2. References

Related publications are listed in appendix A.

1-3. Explanation of abbreviations

Abbreviations used in this regulation are explained in the glossary.

Chapter 2 United States Army Legal Services Agency

2-1. Mission

The mission of USALSA is to—

- a. Provide administrative, personnel, fiscal, and logistical support, including legal research services, for all elements of the agency according to law and the policy of The Judge Advocate General (TJAG).
- b. Promote effective use of lawyers and judicial personnel.
- c. Guarantee independence of Army judges and defense counsel.
- d. Develop and implement a standard automated Military Justice Information System under the Legal Automation Army-Wide System project. This system is known as the Army Courts-Martial Information System (ACMIS).
- e. Manage training of assigned individual mobilization augmentees.

2-2. Functions

a. The Commander, USALSA, as Chief, U.S. Army Judiciary, supervises the following activities and their functions:

(1) U.S. Army Court of Military Review (ACMR), which performs appellate review of courts-martial pursuant to Article 66, Uniform Code of Military Justice (UCMJ), and AR 27-13 when the approved sentence includes death, punitive discharge, or confinement for 1 year or more. ACMR reviews records of trial as directed by TJAG under UCMJ, Art. 62. The Chief, U.S. Army Judiciary, also serves as Chief Judge, ACMR.

(2) The Office of the Judicial Advisor/Clerk of Court, which—

(a) Administers the military appellate process in cases considered by the ACMR.

(b) Develops statistical information concerning the administration of military justice.

(c) Acts as official custodian of court-martial and statistical records.

(d) Arranges appearance of civilian witnesses located in the continental United States (CONUS) for courts-martial conducted overseas.

(3) The U.S. Army Trial Judiciary, which—

(a) Provides full-time military judges to preside over general and special courts-martial throughout the Army.

(b) Supervises the Military Magistrate program.

(4) Examination and New Trials Division, which—

(a) Examines general courts-martial records of trial that are not reviewed by ACMR.

(b) Processes petitions for new trials and applications for extraordinary relief under UCMJ, Arts. 69 and 73.

(c) Reviews records of trial received under UCMJ, Art. 64(c)(3).

(d) Examines cases involving military commissions and courts of inquiry.

(5) USALSA Information Management Office, which—

(a) Provides automation planning and support for USALSA divisions and offices.

(b) Develops and implements ACMIS.

b. The Assistant Judge Advocate General for Military Law (AJAG/MIL) exercises technical supervision and operational control over the following USALSA activities and their functions:

(1) Government Appellate Division (GAD), which—

(a) Presents briefs and arguments under UCMJ, Art. 70.

(b) Represents the United States before the ACMR, the U.S. Court of Military Appeals (USCMA), and, by request of the U.S. Attorney General, the Supreme Court.

(c) Advises TJAG on courts-martial or appeal recommended for certification to the USCMA or for petition for writ of certiorari to the Supreme Court.

(d) Advises Staff Judge Advocates regarding petitions for extraordinary writs and appeals on behalf of the United States in ongoing courts-martial. The Chief, GAD, authorizes Government appeals.

(e) Supervises the Trial Counsel Assistance Program, which serves as a source of information, advice, and legal education for trial counsel.

(2) Joint Service Committee on Military Justice. AJAG/MIL is a working group member who executes the responsibilities of TJAG prescribed by UCMJ, Art. 67(g); Executive Order 12484, 13 July 1984; and Department of Defense (DOD) Directive 5500.17, 23 January 1985.

(3) Legal Assistance Office, which provides professional advice and direct assistance to eligible clients at departmental headquarters and policy direction for the Army-wide legal assistance program (AR 27-3).

c. The Assistant Judge Advocate General for Civil Law exercises technical supervision and operational control over the following USALSA activities and their functions:

(1) Defense Appellate Division, which presents briefs and arguments under UCMJ, Art. 70, and represents military accused before the ACMR, the USCMA, and the Supreme Court.

(2) U.S. Army Trial Defense Service, which—

(a) Provides defense counsel services for Army personnel as authorized by law and regulation.

(b) Develops programs and policies to promote effective and efficient use of defense counsel resources and to enhance professional qualifications of attorneys providing defense services.

(3) Contract Appeals Division, which—

(a) Represents the Army in all cases before the Armed Services Board of Contract Appeals (ASBCA) and all cases (except Corps of Engineers and U.S. Army Materiel Command cases) before the General Services Board of Contract Appeals. (Contract Appeals may also, when requested, represent other Government agencies before the appropriate boards of contract appeals.)

(b) Provides liaison with the Department of Justice (DOJ) for appeals from the ASBCA to the U.S. Court of Appeals for the Federal Circuit. Upon delegation from the Litigation Division, Office of The Judge Advocate General (OTJAG), the Contract Appeals Division represents the Army in Federal courts on other contract disputes.

(c) Represents other Government agencies upon request.

(d) Provides review of bonds and consents of surety.

(4) Regulatory Law Office, which—

(a) Represents the consumer interests of Department of the Army (DA), DOD, and other Federal agencies in proceedings before State and Federal regulatory commissions. Such proceedings involve rates and services of utility, transportation, and communication companies, and the Postal Service.

(b) Provides legal advice to Army elements in regulatory law matters.

(c) Acts as primary point of contact with the DOJ in regulatory law judicial proceedings.

(5) Procurement Fraud Division, which—

(a) Serves pursuant to DOD Directive 7050.5 as the Army single, centralized organization to monitor and ensure coordination of remedies in significant cases of procurement fraud or corruption.

(b) Serves as Fraud Advisor to the Assistant Secretary of the Army (Research, Development, and Acquisition).

(c) Chairs the Joint Defense Acquisition Regulation Council/Civilian Agency Acquisition Council Subcommittee on Suspension and Debarment.

(d) Maintains the Army list of suspended or debarred contractors, coordinates such with the General Services Administration, and notifies Army contracting activities of suspension and debarment proceedings.

(e) Coordinates the remedies of suspension and debarment, criminal and civil litigation, contract remedies, and other administrative remedies in case of procurement fraud.

(f) Serves as the point of contact for receipt and dissemination of DOD safety alerts in fraud cases.

(g) Manages the Army Program Fraud Civil Remedies Act system in cases of procurement fraud.

(h) Coordinates with DOJ and U.S. attorneys on criminal and civil cases.

(i) Maintains active liaison with the U.S. Army Criminal Investigation Command.

(6) Army Military Command Contract Law Specialist Training Program, which trains officers in providing legal advice and operations in the functional areas of contract law.

(7) Patents, Copyrights, and Trademarks Division, which—

(a) Manages the administration, control, and coordination of all patents, copyrights, trademarks, and other intellectual property activities of DA, including the implementation of policies (AR 27-60).

(b) Acts on behalf of the Secretary of the Army in determining rights in employee inventions, imposition of secrecy orders on relevant patent applications, and the nonexclusive licensing of Army-owned patents.

(8) Litigation Division, which—

(a) Serves as the designee to receive service of process on behalf of the Secretary of the Army.

(b) Develops and presents the Army's position in civil litigation arising out of DA activities, or otherwise involving its interests in U.S. District Courts, U.S. Circuit Courts of Appeal, the U.S. Claims Court, and the U.S. Supreme Court.

(c) Prepares litigation reports at the request of DOJ and U.S. attorneys.

(d) Furnishes court representation in civil proceedings involving the Army.

(e) Advises the Army Staff on the litigation potential of policy and program decisions.

(f) Represents DOD in cases delegated by the Office of the General Counsel, Office of the Secretary of Defense.

(g) Coordinates Army positions with Army staff elements and activities.

(h) Coordinates with DOJ on requests for representation submitted by soldiers and employees sued in their individual capacities.

(i) Coordinates with DOJ on requests for immunity for witnesses in courts-martial.

(j) Acts on requests for appearance of soldiers and Army employees as witnesses in private litigation and civil litigation in which the Federal Government has an interest.

(9) Environmental Law Division which—

(a) Provides advice and guidance to ARSTAFF officials and MACOM legal offices on environmental legal issues.

(b) Serves as agency counsel in environmental litigation in coordination with OGC and the Department of Justice.

(c) Serves as agency counsel for ARSTAFF and MACOM officials at local, state, and Federal agency hearings concerning policy or alleged violations of environmental laws or regulations pertaining to Army activities.

(d) In prior consultation with OGC, coordinates environmental legal policy matters with the Office of the Secretary of Defense, other services, and other federal agencies.

(e) Monitors state and Federal environmental legislative and regulatory developments affecting Army activities.

(f) Provides advice as to the appropriateness of any taxes, penalties, fees, fines, sanctions or compliance orders arising from state or federal environmental requirements or enforcement activities.

(g) Advises TJAG on environmental law training and personnel requirements.

(h) In coordination with the Army Claims Service, develops Army policy with regard to claims arising out of Army activities which affect the environment.

d. The Sergeant Major, OTJAG, exercises technical supervision and operational control of TJAG's liaison to the U.S. Total Army Personnel Command (PERSCOM), which—

(1) Serves as liaison between OTJAG and PERSCOM for the management of military occupational specialties (MOS) 71D and 71E.

(2) Serves as liaison between OTJAG and the U.S. Army Soldier Support Center regarding testing and training material for MOSs 71D and 71E.

e. The Chief, Personnel, Plans, and Training Office, exercises technical supervision and operational control over the Professional Recruiting Office, which—

(1) Recruits attorneys and law students for Judge Advocate General's Corps (JAGC) appointments and coordinates the commissioning process of those selected.

(2) Administers the JAGC Summer Intern Program.

2-3. Command and staff relationships

a. USALSA is a field operating agency of TJAG.

b. The Commander, USALSA—

(1) Operates under the supervision of The Assistant Judge Advocate General (TAJAG).

(2) Exercises direct supervision over activities listed in paragraph 2-2 a .

(3) Executes the general duties and responsibilities of a commander per AR 600-20. Exercises direct supervision over the Office of the Commander and the USALSA Information Management Office.

(4) Communicates directly with Army elements on administrative and technical matters.

(5) Maintains liaison with the chief judges of the Navy, Coast Guard, and Air Force Courts of Military Review and with the USCMA.

c. USALSA communicates with DOD and other Government agencies through TAJAG on all actions affecting workload, staff, organization, operational responsibilities, and related resources.

Chapter 3

The Judge Advocate General's School, U.S. Army

3-1. Mission

The mission of TJAGSA is to—

a. Offer resident and nonresident courses of study for the professional legal training of the Army.

b. Conduct research in military legal matters; prepare military legal publications.

c. Direct combat developments activities.

d. Manage the Army Law Library Service.

e. Provide personnel management and guidance for Army National Guard (ARNG) and U.S. Army Reserve (USAR) JAGC officers.

f. Provide certain installation support to designated personnel.

g. Develop and support the overall Army Legal Assistance Program.

3-2. Organization and concept of operation

a. TJAGSA is a field operating agency of TJAG.

b. The Commandant, TJAGSA, is the Commander of the TJAGSA military installation.

c. The Commandant, TJAGSA, is a special court-martial convening authority.

d. TJAGSA is organized into four departments: Academic; Developments, Doctrine, and Literature; Judge Advocate Guard and Reserve Affairs; and School Support.

3-3. Functions

The Commandant, TJAGSA, performs the following functions:

a. Education.

(1) Develops and conducts resident military legal and related instruction for personnel of the Judge Advocate Legal Service (AR 27-1), selected foreign officers, and other officers and employees of the U.S. Government.

(2) Confers the degree of master of laws (LL.M.) in military law upon graduates of the Judge Advocate Officer Graduate Course who have successfully fulfilled the requirements of that degree. Issues regulations establishing the criteria and procedures for awarding that degree.

(3) Develops and provides nonresident military legal and related instruction to support the following:

(a) The Judge Advocate General's Correspondence Course Program (including administering the program).

(b) Training of ARNG and USAR JAGC personnel and troop program units.

(c) USAR schools.

(d) Continuing education of personnel of the Judge Advocate Legal Service.

(4) Performs technical supervision and training of USAR JAGC officers as stated in AR 27-1.

(5) Prepares and makes available for distribution instructional material in support of JAGC training programs, to include materials distributed through the Defense Technical Information Center.

(6) Monitors the effectiveness of training programs through liaison and staff visits and by examining records and reports.

(7) Develops Active Army training requirements in the field of military law.

(8) Develops, prepares, and distributes legal instructional material.

(9) Develops military legal training material.

(10) Maintains liaison with legal professional and accreditation organizations and agencies.

(11) Manages the liaison program with the University of Virginia School of Law.

(12) Develops, prepares, and distributes legal assistance materials.

b. Legal research and combat developments.

(1) Conducts and coordinates legal research. Publishes the *Military Law Review*, *The Army Lawyer*, pamphlets, and other periodicals and permanent publications.

(2) Manages the Army Law Library Service according to AR 27-1.

(3) Performs combat developments activities as follows:

(a) Identifies doctrinal, training, force structure, and materiel issues that may arise in the future and assesses their impact on JAGC operations.

(b) Develops table of organization and equipment force structure and materiel requirements.

(c) Provides input to DA publications and texts on effective legal service support for combat operations.

c. Personnel management of ARNG and USAR JAGC officers.

(1) Provides technical assistance in the career management of USAR JAGC officers. This includes maintaining an automatic data processing system that contains career management information on these officers. Provides technical assistance and information to the Chief, National Guard Bureau, regarding the professional qualification requirements for Federal recognition of ARNG JAGC officers. Provides information, through the Chief, National Guard Bureau, to the respective State adjutants general regarding career management of ARNG JAGC officers.

(2) Processes and takes final action on requests for appointment and branch transfer to the JAGC, USAR, without concurrent call to active duty. Pursuant to AR 135-100 and NGR 600-100, determines

the professional qualifications of applicants for Federal recognition in the JAGC, ARNG. Establishes policies and procedures to ensure that only the best-qualified applicants are approved as JAGC officers. Makes grade determinations; awards constructive credit according to applicable laws and regulations.

(3) Supervises and manages the individual mobilization augmentee program for TJAG (included in the program are OTJAG, USARCS, USALSA, and TJAGSA). Approves assignments of USAR JAGC officers by the U.S. Army Reserve Personnel Center to individual mobilization augmentee positions in commands and agencies other than those listed above.

(4) Provides technical advice and assistance to USAR JAGC officers and to the Chief, National Guard Bureau, for ARNG JAGC officers on branch promotion qualifications and related personnel matters as required or requested. Awards constructive or equivalent credit for any JAGC course according to AR 27-1. Provides training opportunities for ARNG and USAR JAGC officers.

(5) Reviews recommendations for assignment of military law center commanders and staff judge advocates of major Army Reserve commands according to AR 140-10. Provides advice to TJAG on such recommendations.

(6) Coordinates and administers the Special Legal Assistance Officer Program for ARNG and USAR JAGC officers.

d. Installation services.

(1) Provides legal assistance and claims services to military personnel in the surrounding area.

(2) Provides limited military personnel office support for military personnel in the surrounding area.

(3) Provides medical contract coverage and assistance on the Civilian Health and Medical Program of the Uniformed Services.

(4) Provides liaison between the University of Virginia and the U.S. Army Corps of Engineers concerning support under the terms of the lease agreement between the U.S. Government and the university.

(5) Provides assistance to designated personnel in coordinating official travel and shipping household goods.

(6) Provides housing referral services to designated personnel.

3-4. Command and staff relationships

The Commandant, TJAGSA—

a. Is under the supervision of TAJAG.

b. May communicate directly with all Army elements and DOD and Government agencies on matters of mutual interest.

c. Will establish liaison with Army elements listed below.

(1) U.S. Army Soldier Support Center, for combat developments in areas of doctrine, training, force structure, and materiel.

(2) U.S. Army Training and Doctrine Command (TRADOC), for administration of budget and fund control. The Commandant, TJAGSA, will maintain control and set priorities for use of funds. TRADOC allocates the funds according to applicable Army regulations.

(3) U.S. Army Military District of Washington, for general court-martial jurisdiction and other military justice matters.

(4) U.S. Army Intelligence Agency and Foreign Science and Technology Center, for civilian personnel and communications center support.

(5) U.S. Army Quartermaster Center and Fort Lee, Virginia, for installation support not provided by the School Support Department or otherwise indicated above.

(6) U.S. Army Reserve Personnel Center, for appointments and branch transfers to the JAGC, USAR.

(7) ARNG Personnel Center, for determining—

(a) Professional qualifications.

(b) Grade and credit for years of service in an active status. This will assist the Chief, National Guard Bureau, in extending Federal recognition to applicants for the JAGC, ARNG.

(8) Office of the Chief, Army Reserve, for policy coordination and USAR training funds.

(9) Chief, Legal Assistance Division, OTJAG, for development and preparation of legal assistance materials and programs.

(10) Commander, USARCS, for coordination of doctrinal material relating to claims.

State and local governments, and foreign governments on claims matters.

d. Address correspondence to USARCS to Commander, U.S. Army Claims Service, Fort Meade, MD 20755-5360.

Chapter 4

United States Army Claims Service

4-1. Mission

The mission of USARCS is to—

a. Investigate, process, and settle noncontractual claims against the Army and other claims asserted by the Army worldwide that require action at DA level.

b. Provide leadership, assistance, and management, as TJAG's agent, for the implementation, execution, and administration of the comprehensive claims program for which USARCS is responsible under various statutes, directives, regulations, and intragovernmental agreements.

c. Establish claims doctrine and provide and supervise claims training.

4-2. Functions

USARCS is responsible for the following functions:

a. Acting for the DA, supervises the investigation, processing, and settlement of claims against and on behalf of the United States under the statutes and regulations listed in AR 27-20, paragraph 1-4

a .

b. Formulates and implements claims policies.

c. Designates area claims offices, claims processing offices, claims attorneys, and CONUS geographic area of claims responsibility.

d. Recommends, through TAJAG to the Secretary of the Army or to The Attorney General of the United States, action to be taken on claims that have been appealed or that are within their exclusive jurisdictions.

e. Operates the North Atlantic Treaty Organization Receiving State Office and pays claims arising in the United States out of sending State activities.

f. Formulates and recommends proposed legislation for congressional enactment of new statutes and the amendment of existing statutes considered essential for orderly and expeditious administrative settlement of noncontractual claims.

g. Prepares, justifies, and defends estimates of budgetary requirements and administers the Army Claims appropriation, issuing accounting classifications to all properly designated claims settlement and approval authorities.

h. Supervises the development and maintenance of disaster and maneuver claims plans Army-wide.

i. Inspects claims offices and activities and ensures that command claims services and area claims offices are carrying out their responsibilities.

j. Supervises the training of claims personnel.

k. Coordinates claims activities with the Air Force, Navy, Marine Corps, and other DOD agencies to ensure a consistent DOD claims program.

l. Compiles and disseminates automated management data on Army claims and recoveries worldwide.

m. Controls worldwide Army claims records retention, retrieval, and disposition, and maintains permanent claims records for which TJAG is responsible.

n. Settles claims against carriers, warehouse firms, insurers, and other third parties for loss of, or damage to, personal property of soldiers and civilian personnel incurred while in storage or in transit at Government expense.

4-3. Command and staff relationships

a. USARCS is a field operating agency of TJAG.

b. The Commander, USARCS, is under the supervision of TAJAG.

c. The Commander, USARCS, may communicate directly with all Army agencies and commands, other Government departments,

Appendix A Related Publications

Section I Required Publications

A related publication is merely a source of additional information. The user does not have to read it to understand this regulation. Related publications are listed below.

AR 27-1
Judge Advocate Legal Service

AR 27-3
Legal Assistance

AR 27-10
Military Justice

AR 27-13
Courts of Military Review—Rules of Practice and Procedure

AR 27-20
Claims

AR 27-60
Patents, Inventions, and Copyrights

AR 135-100
Appointment of Commissioned Officers and Warrant Officers of the Army

AR 140-10
Army Reserve: Assignments, Attachments, Details, and Transfers

AR 600-20
Army Command Policy and Procedures

DODD 5500.17
Review of the Manual for Courts-Martial

DODD 7050.5
Coordination of Remedies for Fraud and Corruption Related to Procurement Activities

Executive Order 12484

Manual for Courts-Martial, United States, 1984.

NGR 600-100
Commissioned Officers—Federal Recognition and Related Personnel Actions

Uniform Code of Military Justice

Section II Required Publications

Glossary

Section I Abbreviations

ACMIS

Army Courts-Martial Information System

ACMR

U.S. Army Court of Military Review

AJAG/MIL

Assistant Judge Advocate General for Military Law

ARNG

Army National Guard

ASBCA

Armed Services Board of Contract Appeals

CONUS

continental United States

DA

Department of the Army

DOD

Department of Defense

DOJ

Department of Justice

GAD

Government Appellate Division

JAGC

Judge Advocate General's Corps

MOS

military occupational specialty

OTJAG

Office of The Judge Advocate General

PERSCOM

U.S. Total Army Personnel Command

TAJAG

The Assistant Judge Advocate General

TJAG

The Judge Advocate General

TJAGSA

The Judge Advocate General's School, U.S. Army

TRADOC

U.S. Army Training and Doctrine Command

UCMJ

Uniform Code of Military Justice

USALSA

U.S. Army Legal Services Agency

USAR

U.S. Army Reserve

USARCS

U.S. Army Claims Service

USCMA

U.S. Court of Military Appeals

Section II Terms

This section contains no entries

Section III

Special Abbreviations and Terms

There are no special terms.

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